

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BEN & JERRY'S HOMEMADE, INC.

Plaintiff,

v.

CONOPCO, INC.,

Defendant.

Case No. 1:22-cv-05681 (ALC)

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, on July 5, 2022, Plaintiff Ben & Jerry's Homemade, Inc. ("Plaintiff") filed its Complaint (Dkt. 1), Proposed Order to Show Cause (Dkt. 7), and Application for Temporary Restraining Order and Preliminary Injunctive Relief (Dkt. 9), seeking to enjoin Defendant Conopco, Inc. ("Defendant") from (i) "entering into or consummating any transaction that permits or would permit the licensing, sale, distribution, or use of Ben & Jerry's products in the West Bank" and (ii) "performing any act under any agreement they have entered into that would permit the licensing, sale, distribution or use of Ben & Jerry's products in the West Bank" (Dkt. 7 at 7);

WHEREAS, on July 5, 2022, this Court denied Plaintiff's request for a temporary restraining order; directed Defendant to show cause as to why a preliminary injunction should not issue, set a briefing schedule, and scheduled a hearing for July 14, 2022 (Dkt. 18);

WHEREAS, on July 11, 2022, Defendant filed its response in opposition to Plaintiff's motion for preliminary injunction (Dkts. 30-36);

WHEREAS, on July 13, 2022, Plaintiff filed its reply in support of its motion for preliminary injunction (Dkts. 39-40);

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, that:

1. The parties agree to adjourn the July 14, 2022 hearing on Plaintiff's motion for a preliminary injunction in favor of mediation.
2. In the event the parties cannot reach agreement by the end of a two-week mediation period (*i.e.*, by July 28, 2022), the parties agree to contact the Court jointly to request that Plaintiff's motion for preliminary injunction be placed back on the Court's calendar (at the Court's earliest convenience), based on the parties' briefing and factual record as it existed on July 13, 2022 (without prejudice to Conopco responding to arguments raised in Plaintiff's reply).
3. Defendant's obligation to respond to the Complaint (by motion or answer) is deferred until 14 days after the Court rules on Plaintiff's motion for preliminary injunction.

Dated: July 14, 2022

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